

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

IN THE MATTER OF THE CITY OF SPARKS' OBJECTION TO THE APPLICATION FOR RECOGNITION OF EMPLOYEE ORGANIZATION BY OPERATING ENGINEERS, LOCAL NO. 3, AFL-CIO, } ITEM NO. 530A
CASE NO. A1-045749
ORDER

For City of Sparks: Charles P. Cockerill, Esq.

For Operating Engineers, Local No. 3: Matthew J. Gauger, Esq.

On or about October 8, 2002, the Operating Engineers, Local Union No. 3 (hereafter "Operating Engineers"), notified the City of Sparks, Nevada (hereafter "Sparks"), that it sought recognition as the bargaining representative of the security employees working at the Sparks' Municipal Court.

On or about October 12, 2002, Sparks filed an objection to that recognition request with the Local Government Employee-Management Relations Board (hereafter the "Board").

The Board issued an order on November 26, 2002, requesting both parties to file briefs on the request for recognition. Said briefs were filed on January 13, 2003 from the City and on February 3, 2003 from the Union.

On March 27, 2003, the Board held deliberations on the briefs, noticed in accordance with Nevada's Open Meeting Law, and based upon such deliberations,

IT IS HEREBY ORDERED that the Request for Recognition is hereby denied. The denial is based on the Board's decision in Washoe County Probation Employees Association vs. Washoe County, Case No. A1-045347 (1/27/94), and Nevada Supreme Court case Clark County vs. SIIS, 102 Nev. 353, 724 P.2d 201 (1986). The Clark County case specifically identified the functions to be reviewed to determine if an employee-employer relationship existed. Although Sparks performed these functions, the subject employees still appear to be performing the functions of a court in the judicial branch of our government.

1 IT IS FURTHER ORDERED that no fees or costs are being awarded to either party.
2 DATED this 27th day of March, 2003.

3 LOCAL GOVERNMENT EMPLOYEE-
4 MANAGEMENT RELATIONS BOARD

5 BY: John E. Dicks
6 JOHN E. DICKS, ESQ., Chairman

7 BY: Janet Trost
8 JANET TROST, ESQ., Vice-Chairman

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10 BY: Tamara E. Barengo
11 TAMARA E. BARENGO, Member